

Instructions for Out-of-State Permittees Shipping Fermented Malt Beverages Into Wisconsin

Who Needs an Out-of-State Shipper's Permit for Fermented Malt Beverages

Any person who wants to ship fermented malt beverages to a beer wholesaler in Wisconsin must obtain an out-of-state shipper's permit. No beer wholesaler in Wisconsin may receive fermented malt beverages which have been shipped in from another state by any person other than the holder of an out-of-state shipper's permit. All shipments of fermented malt beverages from another state to a wholesaler of fermented malt beverages in Wisconsin must be unloaded at and distributed from the wholesaler's warehouse in Wisconsin.

How to Obtain an Out-of-State Shipper's Permit for Fermented Malt Beverages

Attached to these instructions are the various forms which you must complete and return to us in order to receive an out-of-state shipper's permit. Please complete each form carefully because missing or incomplete information will delay the issuance of your permit(s). You may reproduce any of the accompanying forms.

Before you mail us your application for this permit, check the list below to make sure that you are sending us all the required information.

Have you enclosed ...

1. A fully completed application form (BT-136).
2. A security guaranteeing payment of the beer tax due to the State of Wisconsin.

More information regarding these requirements is provided below.

\$20 Business Tax Registration Certificate Fee

The BTR Certificate is renewed every 2 years. The renewal fee is \$10. The fee is not prorated or refundable.

The department will send the Business Tax Registration (BTR) renewal notice when the permits and certificates subject to BTR provisions approach their expiration date. The expiration date will vary from taxpayer to taxpayer. Normally, the expiration date is two years from the end of the month in which you applied for your permit / certificate.

Label Approval

No beer product can be shipped into Wisconsin until the federal government has approved the labels which will appear on the product container. It is not necessary for you to submit copies of your federal label approval to the Wisconsin Department of Revenue.

Security

If you will be shipping beer into the State of Wisconsin, security must be on file in our office. The security guarantees your payment of the beer tax to the State of Wisconsin. The security must be twice your monthly estimate of your maximum beer tax liability. The security may not be less than \$1,000 nor more than \$100,000. As long as you are doing business in the State of Wisconsin, you must have security on file in our office.

Power of Attorney

Executed Power of Attorney (Form A-220) needs to be completed when the contact person is not one of your employees.

Assistance and Forms

If you have any questions or need assistance regarding the application you may call or write the department.

2135 Rimrock Road
Madison, WI 53713
Telephone (608) 261-6435

or write to –

Mail Stop 5-77
PO Box 8902
Madison, WI 53708-8902

Reporting Forms will be sent to you once a permit has been issued. Call (608) 266-6702 with questions on the form.

Responsibilities of a Permittee

If you are issued a permit to ship beer into the State of Wisconsin, you have several statutory obligations which you must carry out in order to retain your permit. These responsibilities are outlined below:

1. Filing Monthly Reports

A monthly report, BT-106 must be filed with the department covering all Wisconsin transactions which occurred during the month. A report must be filed even though no shipments are made into Wisconsin. In this instance, simply indicate "no shipments made" on form BT-106. Reporting forms will be sent to you when your permit is issued. Call or write us when you need more forms.

Due Date of Report – This report is due 15 days after the close of the month.

Filing Consolidated Reports – If you are obtaining or hold more than one out-of-state beer permit, the department requests that you only file one monthly report on which all beer transactions are consolidated.

2. Paying the Tax

The Wisconsin tax on fermented malt beverages is \$2 per 31 gallon barrel.

Penalties / Interest – All reports submitted after the due date are subject to a \$10 late filing penalty. Any tax not paid by the due date is subject to interest at the rate of 1.5% per month until paid. These charges are mandatory and cannot be waived.

It is important that you timely submit your monthly reports or the department will initiate proceedings to revoke your permit.

3. Shipping Beer Only to Authorized Wisconsin Customers

The holder of an out-of-state beer permit can only ship beer to Wisconsin beer wholesalers authorized by our department to receive such shipments.

Shipments Made to Any Unauthorized Person Are Subject to Confiscation. In addition, your permit may be revoked.

4. Keeping Complete and Accurate Records

You must keep adequate records so both you and the department can determine if your report was properly completed and the correct amount of tax paid. Such records must be kept for four years and in a place and manner easily accessible for review by department personnel.

5. Reporting Name / Address / Ownership Changes or Ceasing Operations

Notify us immediately (in writing) when your business undergoes any of the changes mentioned below.

A. *Name Change* – In this event, we need the following two items:

- (1) New application (BT-136) showing name change.
- (2) A rider from your surety company showing your new business name.

B. *Address Change* – Complete a new application showing address change.

C. *Ownership Change* – If you change your form of ownership, you must submit the following:

- (1) New application for an out-of-state beer permit with the appropriate fee of \$50. Your old permit is not transferable to the new business.
- (2) A security guaranteeing payment of the fermented malt beverage tax to the State of Wisconsin.

Examples of ownership changes include:

- (1) Sole proprietorship becoming a partnership or corporation.
- (2) Partnership becoming a sole proprietorship or corporation.
- (3) Partner being added to or dropped from a partnership.
 - Partnerships that add or drop partners must notify the department in writing of the change in partners involved. If a new Federal Employer Identification number is assigned you must pay or apply for a new permit.
- (4) Sole proprietor dying.
- (5) Business being sold.
 - The mere change of a corporate officer is not regarded as a change in ownership. However, you should let us know the new officer's name, social security number, home address, and title.

D. *Ceased Operations* – When you cease operating in Wisconsin you must:

- (1) Return your out-of-state beer permit to our office.
- (2) Tell us the last day you operated in Wisconsin.
- (3) File a "final" monthly report showing all transactions made during your final month of business. Indicate "final" on that report (BT-106) above your name.